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**The Current Status of Laws Governing Adoption of Haitian Children by U.S. Citizens—
Especially in Light of the January 12th Haiti Earthquake**

The standard requirements and procedures by both the United States and Haiti regarding the adoption of Haitian children by Americans are complex, lengthy, and often require a visit to Haiti. There are numerous procedures and hurdles at each step of the process, which roughly proceeds as follows: (1) Obtain a release by the Justice of Peace in Haiti; (2) Pass an investigation by the *Institut du Bien Etre Social et de Research* (“IBESR”) or Haitian Ministry of Social Affairs; (3) Obtain an official adoption decree from a civil court in Haiti; (4) File for and receive U.S. approval via the United States Citizenship and Immigration Services (“USCIS”); and (5) Obtain a Haitian passport and U.S. immigrant visa for the child. The process is explained in detail in Section B of this memorandum.

The United States Government has taken several steps and measures to expedite the adoption process in light of the January 12th earthquake. The most notable action includes the United States Department of State (“DOS”) working with the Department of Homeland Security (“DHS”) in an effort to extend travel documents (either immigrant visas or humanitarian parole authorizations) for children who fall into two specific categories. These categories encompass children who were already in the adoption process before January 12, 2010. This action was facilitated by extending humanitarian parole to orphans. Humanitarian parole is used sparingly to temporarily admit persons who are otherwise inadmissible into the United States due to a compelling emergency.

The U.S. Government has yet to decide eligibility criteria for Haitian children who were not in the adoption process before the earthquake and thus are not included in the two specific categories formulated by the DHS and the DOS. In fact, the DOS has specifically addressed the importance of not pursuing new adoptions during times of crisis, due to the extreme difficulty of fulfilling legal requirements for adoption, as well as the possibility of mistakenly identifying a child as an orphan.

THE POTENTIAL FOR FUTURE DEVELOPMENTS

It is important to note that extension of humanitarian parole authorization to orphans was announced while this memorandum was being drafted. All of these policies are extremely new. Furthermore, there are news reports about congressional meetings and activities directed toward addressing these children’s needs, and it is likely that Congress will soon take further action. Therefore, it is important to monitor the ongoing actions of the Haitian and U.S. governments are taking to implement new adoption policies. Some adoption advocates are pushing for emergency or refugee status for orphaned Haitian children. Additionally, the Haitian President has authority to waive or alter some criteria for adoptions, raising the possibility that there may be presidential discretion to expedite the adoption process.

Section I of this memorandum explains several measures that the U.S. Government has taken to expedite the pending adoption cases and Section II provides an overview of the standard requirements for adoption of Haitian children by U.S. citizens.

I. THE IMPACT OF THE JANUARY 12, 2010 EARTHQUAKE ON HAITIAN ADOPTIONS

The January 12 earthquake has disrupted the adoption plans of hundreds of American adoptive parents and Haitian orphans.¹ Dixie Bickel, director of Port Au Prince orphanage God's Littlest Angels, stated she had personally kept paperwork such as passports in buildings that have been destroyed, including the National Palace. Moreover, Ms. Bickel reports that high-level Haitian adoption officials may have been killed.² As such, adoptions previously on track for approval may be delayed indefinitely.³

American adoptive families are pleading for emergency visas to allow them to bring home orphans who have been affected by the quake.⁴ On Friday, January 15, staffers from more than 30 congressional offices met officials from DOS and other agencies involved in foreign adoptions to plan a strategy in response to this concern.⁵ Kathleen Strottman, Executive Director of the Congressional Coalition on Adoption Institute, stated that "no option [has] been taken off the table."⁶ Ms. Bickel and other adoption advocates are requesting that Haitian orphans be granted either refugee or emergency status to allow them to join their adoptive parents.⁷ In addition, there are reports that some American adoptive parents have had success by asking their congressmen to intervene.⁸

A. THE U.S. DEPARTMENT OF STATE'S RESPONSE CONCERNING NEW ADOPTIONS OF CHILDREN IN THE DISASTER

The DOS also posted its response to concerns from U.S. citizens wishing to adopt children who are victims of the earthquake. In essence, the U.S. Government suggests that these people should help the Haitian children by contributing to humanitarian efforts rather than by attempting to adopt them because the adoption process is not practical under crisis circumstances. The DOS's response included the following points:

¹ Carly Everson & Jeni O'Malley, *Adoption Plans on Hold in Wake of Haiti Quake*, ASSOCIATED PRESS, Jan. 15, 2010, available at <http://www.cnsnews.com/news/article/59919>; see also Bring Lily Home, <http://marburyvmadisonave.wordpress.com/2010/01/14/bring-lily-home-haiti/> (last visited Jan. 25, 2010) (discussing the plight of an American couple who finalized their adoption of a Haitian child on January 7, 2010 after 2.5 years of waiting, but now face the possibility of losing the child due to losing adoption documents in the earthquake).

² Melissa Gray, *Orphanage: Adoption Plan Needed for Haitian Children*, CNN.COM, Jan. 16, 2010, <http://www.cnn.com/2010/WORLD/americas/01/15/haiti.orphanage/index.html>.

³ *Id.*

⁴ Carly Everson, *Haiti Quake Puts Parents' Adoption Dreams in Limbo*, DAILYCALLER.COM, Jan. 15, 2010, <http://dailycaller.com/2010/01/15/haiti-quake-puts-parents-adoption-dreams-in-limbo/>.

⁵ Everson & O'Malley, *supra* note 1.

⁶ *Id.*

⁷ Gray, *supra* note 2.

⁸ See Bring Lily Home, *supra* note 1 (discussing Senator Susan Collins' (R-ME) willingness to help administer an American family's adoption process through Washington D.C. rather than Port Au Prince, due to the earthquake there).

- It can be extremely difficult in such circumstances to determine whether children who appear to be orphans truly are eligible for adoption.
- Children may temporarily be separated from their parents or other family members during a natural disaster or conflict, and their parents may be looking for them.
- Even when it can be shown that children have lost their parents or been abandoned, they are often taken in by other extended family members.
- During times of crisis, fulfilling the U.S. and Haitian legal requirements for adoption can be exceptionally difficult. This is especially true when civil authority breaks down or temporarily ceases to function.
- It can also be difficult to gather documents necessary to satisfy U.S. immigration law requirements.
- There are many ways in which U.S. citizens can help the children in areas of natural disaster or conflict, including making financial contributions to a reputable relief or humanitarian organization working in that country.⁹

B. THE U.S. DEPARTMENT OF STATE'S RESPONSE CONCERNING ADOPTIONS THAT ARE EITHER FINAL OR IN PROCESS

The DOS issued an update¹⁰ on its website in response to growing concerns of parents who were in the adoption process before the quake. There is a coordinated effort to expedite the process for both pending cases and those with final adoption decrees through the humanitarian parole authorization. Presumably, humanitarian parole authorization will allow parents to proceed with adoptions, despite having their paperwork destroyed or lost.

C. THE DEPARTMENT OF HOMELAND SECURITY HAS EXTENDED THE POSSIBILITY OF HUMANITARIAN PAROLE FOR HAITIAN ORPHANS

On January 18, 2010, DHS, Secretary Janet Napolitano, through authority granted by the Immigration and Nationalization Act¹¹ (INA), extended the opportunity for humanitarian parole to Haitian orphans.¹² This extension is available to two categories of Haitian orphans who were in the adoption process before the earthquake.¹³ According to the DHS:

⁹ United States Department of State, Office of Children's Issues, Children Affected by the Earthquake in Haiti (Jan. 22, 2010), http://adoption.state.gov/news/children_affected_by_natural_disasters_conflict.html.

¹⁰ United States Department of State, Office of Children's Issues, Notices and Alerts: Haiti (Jan. 18, 2010), <http://adoption.state.gov/news/Haiti.html>.

¹¹ 8 U.S.C. § 1182(d)(5)(a) (2009). INA granted the Attorney General authority to grant humanitarian parole, but this authority has since been transferred to the Secretary of DHS. See United State Citizenship and Immigration Services, Frequently Asked Questions About Humanitarian Parole, <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=376f679cacb11210VgnVCM1000004718190aRCRD&vgnextchannel=48819c7755cb9010VgnVCM10000045f3d6a1RCRD>.

¹² Department of Homeland Security, Press Release: Secretary Napolitano Announces Humanitarian Parole Policy for Certain Haitian Orphans (Jan. 18, 2010), http://www.dhs.gov/ynews/releases/pr_1263861907258.shtm; see also United States Citizenship and Immigration Services, Press Release: Secretary Napolitano Announces Humanitarian Parole Policy for Certain Haitian Orphans, Fact Sheet, <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=9c22546ade146210VgnVCM100000082ca60aRCRD&vgnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD> [hereinafter Fact Sheet].

¹³ *Id.*

DHS and DOS are working together to issue travel documents (either immigrant visas or humanitarian parole authorizations) for children who fall into the two categories described below. Once these children are cleared to travel, the U.S. Embassy in Port au Prince will facilitate their evacuation to the United States so they may be united with their American adoptive parents.

Under applicable laws, unaccompanied minors entering the country without a parent or legal guardian are subject to special procedures regarding their custody and care. DHS coordinates with the Department of Health and Human Services (HHS) Office of Refugee Resettlement in these cases.

All cases will be evaluated by U.S. Citizenship and Immigration Services (USCIS). Depending on the circumstances and information available, some children will receive immigrant visas with permanent immigration status and will require no further processing. Those who enter under humanitarian parole status will need to have their immigration status resolved after arrival.¹⁴

The following two categories of children qualify for the issuance of travel documents (either immigrant visas or humanitarian parole authorization):

(1) Children who were *legally confirmed as orphans* eligible for intercountry adoption by the Government of Haiti, were in the process of being adopted by Americans prior to January 12, 2010, and who can provide the required evidence below:

- Evidence of availability for adoption, which must include at least one of the following:
 - o full and final Haitian adoption decree,
 - o Government of Haiti custody grant to prospective adoptive parents for emigration and adoption,
 - o secondary evidence in lieu of the above.
- Evidence of suitability for adoption, which must include at least one of the following:
 - o notice of approval of Form I-600A,
 - o current FBI fingerprints and background security check clearances, or
 - o physical custody in Haiti plus a security background check.¹⁵

(2) Children who have been *identified by an adoption service provider or facilitator as eligible for intercountry adoption*, were matched to prospective American adoptive parents prior to January 12, 2010, and who meet the criteria below:

- Significant evidence of a relationship between the prospective adoptive parents and the child, and evidence the parents' intention to complete the adoption, which could include the following:
 - o proof that the prospective parents traveled to Haiti to visit the child,

¹⁴ *Id.*

¹⁵ *Id.* (emphasis added).

- o photos of the child and prospective adoptive parents together,
 - o an adoption service provider “acceptance of referral” letter signed by the prospective adoptive parents,
 - o documentary evidence that the prospective adoptive parents initiated the adoption process prior to January 12, 2010, with intent to adopt the child (i.e., the parents filed Form I-600A and/or Form I-600, completed a home study, located an ASP to work with in Haiti, etc).
- Evidence of the child’s availability for adoption, which could include the following:
 - o IBESR (Haitian Adoption Authority) approval,
 - o documentation of legal relinquishment or award of custody to the Haitian orphanage,
 - o secondary evidence in lieu of the above.
- Evidence of suitability for adoption, which must include at least one of the following:
 - o notice of approval of Form I-600A, or
 - o current FBI fingerprints and background security check clearances.¹⁶

D. THE HUMANITARIAN PAROLE REQUEST PROCESS FOR ADOPTION CASES

USCIS and DHS have directed prospective adoptive parents and adoption service providers to send detailed information to haitianadoptions@dhs.gov.¹⁷ DOS requests that all communications be formatted as follows:

- o The subject line should include the last and first name of the adopting parent, and if available, the USCIS and NVC case numbers.
- o The email should include the child’s name, birth date, gender, and current location in Haiti.
- o Include any contact information for the child’s current whereabouts.
- o Include a recent photograph of the child.

Emails should include as many as available of the following [see requirements under Category 1 and Category 2 above]:

- o A full and final Haitian adoption decree,
- o GOH [Government of Haiti] custody grant to prospective adoptive parents for emigration and adoption, or secondary evidence of either the adoption or custody decree,
- o proof that the prospective parents traveled to Haiti to visit the child,
- o photos of the child and prospective adoptive parents together,
- o an adoption service provider “acceptance of referral” letter signed by the prospective adoptive parents,
- o IBESR approval,
- o legal relinquishment or award of custody to the Haitian orphanage,
- o secondary evidence of the above (e.g. e-mail correspondence, copies, ASP correspondence).¹⁸

¹⁶ *Id.*

¹⁷ Notices and Alerts: Haiti, *supra* note 10.

E. HUMANITARIAN PAROLE GRANTED TO OVER 100 ORPHANS

The DOS's update on January 20, 2010, provided the precise number of orphans who have been assisted thus far.¹⁹ According to Deputy Assistant Secretary Bond, the U.S. Haitian Embassy had (as of January 19) "processed immigrant visas for 29 orphan children whose cases were ready for visa processing when the earthquake struck." And the USCIS had granted humanitarian parole to over 100 orphans.²⁰

F. OPTIONS FOR ORPHANS OR SEPARATED CHILDREN NOT INCLUDED IN CATEGORIES ONE AND TWO

At this time, it is unclear if any expedited process will be available if the children do not fall into one of the two categories set forth above. As of January 18, 2010, the USCIS indicated that DHS and DOS were in the process of evaluating eligibility criteria for children in varying stages of the adoption process, and updates would be given as information becomes available.²¹

II. THE STANDARD PROCESS AND LEGAL REQUIREMENTS GOVERNING THE ADOPTION OF HAITIAN CHILDREN BY AMERICAN CITIZENS

The standard process and legal requirements governing adoption of Haitian children by U.S. citizens are lengthy and complex. These requirements involve extensive investigation, often a visit to Haiti by the adoptive parents, and numerous other legal requirements under both Haitian and U.S. laws. Overall, the adoption must satisfy the requirements of the Haitian Ministry of Social Affairs IBESR, Haitian courts, and the USCIS.²² The process includes six general steps: (1) choose an adoption service provider, (2) apply to be found eligible to adopt, (3) be matched with a child, (4) adopt the child in Haiti, (5) apply for the child to be found eligible for adoption, and (6) bring the child to the United States.²³

A. CHOOSE AN ADOPTIVE SERVICE PROVIDER

The first practical step for U.S. citizens wanting to adopt a Haitian child is to select a "licensed agency in the United States that can help with the adoption."²⁴ The agency should be licensed within the U.S. state in which it is operating.²⁵ Furthermore, the DOS suggests that prospective adoptive parents use the services of the Better Business Bureau in selecting an agency.²⁶

¹⁸ *Id.*

¹⁹ United States Department of State, Interview [with Deputy Assistant Secretary for Overseas Citizens Services Michele T. Bond] on the Situation in Haiti and the Adoption of Haitian Children (Jan. 19, 2010), <http://www.state.gov/p/wha/rls/rm/2010/135396.htm>.

²⁰ *Id.*

²¹ Fact Sheet, *supra* note 12.

²² See EMBASSY OF THE UNITED STATES PORT AU PRINCE HAITI, INTERNATIONAL ADOPTIONS — HAITI (2005), <http://haiti.usembassy.gov/uploads/images/QFRTyNSI2PtYrWcHppluYA/DEC05AdoptBrochure.pdf>.

²³ United States Department of State, Office of Children's Issues, Country Information: Haiti, <http://adoption.state.gov/country/haiti.html>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

B. APPLY TO BE FOUND ELIGIBLE TO ADOPT

1. U.S. Law—Requirements for Orphan Classification

A Haitian child is not eligible for adoption under U.S. law unless the child meets the definition of an “orphan” under U.S. Immigration law.²⁷ The INA specifies for a child to be classified as an orphan, the child must either have no parents, or only a single surviving parent who is unable to care for the child and has, in writing, irrevocably released the child for emigration and adoption.²⁸ In addition, U.S. laws and regulations require that “all of the following must be true in order for a child to be eligible for the orphan classification.”²⁹

1. The child must be under the age of 16 at the time an I-600 petition is filed on his or her behalf with USCIS or a consular officer (a child adopted at age 16 or 17 will also qualify, provided he or she is a birth sibling of a child adopted, or who will be adopted, under the age of 16 by the same adopting parents);
2. The adopting parents must have completed a full and final adoption of the child or must have legal custody of the child for purposes of emigration and adoption in the U.S.; and
3. The child has been or will be adopted by a married U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least 25 years of age, with the intent of forming a bona fide parent/child relationship.³⁰

It is important to note that a child with two living parents can still fulfill the definition of an orphan, but only through “the disappearance of, abandonment or desertion by, or separation or loss from, *both* parents.”³¹ The following text describes the classification of an “abandoned” orphan:

Abandonment of a child must be unconditional. Agreeing to give a child up for adoption by a specific person does not constitute unconditional abandonment, since the parents are relinquishing custody with the understanding that the child will be cared for and adopted by a particular individual. The Board of Immigration Appeals of the DHS has ruled that a child with one surviving parent who has not been abandoned may qualify for orphan status only if the sole surviving parent is destitute by local standards or is otherwise physically or mentally unable to care for the child. This means that the child may not be classified as an orphan unless the sole or surviving parent cannot provide the child with the nourishment and shelter necessary for subsistence consistent with the local standards of the child’s place of residence. The parent must also irrevocably release the child for emigration and adoption.³²

²⁷ *Id.*

²⁸ United States Department of State, Office of Children’s Issues, Who Can Be Adopted, <http://adoption.state.gov/about/how/chilideligibility.html> (last visited Jan. 25, 2010).

²⁹ *Id.*

³⁰ *Id.*

³¹ INTERNATIONAL ADOPTIONS — HAITI, *supra* note 22, at 5 (emphasis added).

³² *Id.* at 6.

The U.S. Embassy in Haiti emphasizes that in light of these specific criteria, there are many children in Haitian orphanages who do not qualify for adoption under U.S. law; therefore, adoptive parents are admonished to investigate a child carefully before seeking an adoption.³³

2. U.S. Law—Eligibility of Adoptive Parents

The DOS also suggests filing Form I-600A at this stage of the adoption process to determine preliminary eligibility for the prospective adoptive parent.³⁴ Americans seeking to adopt a Haitian child must file an application with the USCIS, which evaluates the “suitability and eligibility” of the adoptive parent(s).³⁵ The USCIS application process consists of conducting a home study³⁶ and filing the appropriate USCIS form.³⁷ The required USCIS form will vary according to whether the source country is a party to the Hague Adoption Convention.³⁸ Haiti is not a party to the Hague Adoption Convention, meaning the relevant applications are Form I-600 and Form I-600A.³⁹

Form I-600 is required in all international adoption cases,⁴⁰ whereas Form I-600A may be used in situations in which adoptive parent(s) have not yet identified a child for adoption.⁴¹ Both of these forms require relevant information about the adoptive parent, and (if applicable) the adoptive parent’s spouse, as well as documentation verifying citizenship and marital status.⁴² Both forms carry a filing fee of \$670, plus a fingerprinting fee of \$80 for each adult in the home.⁴³ The I-600 form may be filed at any DHS office in the United States, whereas the I-600A form must be filed with the USCIS office with jurisdiction over the adoptive parent’s place of residence.⁴⁴ If the adoptive parent’s application is approved, USCIS will send notice to the Consular Section of the Embassy, and will notify the adoptive parents via written notification.⁴⁵

C. BE MATCHED WITH A CHILD

³³ *Id.*

³⁴ Country Information: Haiti, *supra* note 23.

³⁵ United States Department of State, Office of Children’s Issues, Eligibility to Adopt, <http://adoption.state.gov/about/who/eligibility.html> (last visited Jan. 25, 2010).

³⁶ A home study must be performed according to the requirements of 8 CFR § 204.3(b), (e). U.S. CITIZENSHIP & IMMIGRATION SERVS., INSTRUCTIONS FOR I-600A, APPLICATION FOR ADVANCE PROCESSING OF ORPHAN PETITION 2-3 (2009), <http://www.uscis.gov/files/form/i-600ainstr.pdf>. In pertinent part, a home study must be prepared by any party licensed under the law of the applicant’s home state, and must occur no more than six months after the I-600A is filed. *Id.* at 3.

³⁷ Eligibility to Adopt, *supra* note 35.

³⁸ *Id.*

³⁹ *Id.* For an electronic version of Form I-600A, see U.S. CITIZENSHIP AND IMMIGRATION SERVICES, I-600A, APPLICATION FOR ADVANCE PROCESSING OF ORPHAN PETITION, <http://www.uscis.gov/files/form/i-600a.pdf>. For an electronic version of instructions for filing Form I-600A, see INSTRUCTIONS FOR I-600A, APPLICATION FOR ADVANCE PROCESSING OF ORPHAN PETITION, *supra* note 36.

⁴⁰ See *infra* p. 11 (discussing the application process for adoption of Haitian children).

⁴¹ INTERNATIONAL ADOPTIONS — HAITI, *supra* note 22, at 6-7.

⁴² See INSTRUCTIONS FOR I-600A, APPLICATION FOR ADVANCE PROCESSING OF ORPHAN PETITION, *supra* note 36; and Eligibility to Adopt, *supra* note 35.

⁴³ INSTRUCTIONS FOR I-600A, APPLICATION FOR ADVANCE PROCESSING OF ORPHAN PETITION, *supra* note 36.

⁴⁴ Eligibility to Adopt, *supra* note 35. See also the U.S. Citizenship and Immigration Services’ online Field Office Locator, at https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=LO.

⁴⁵ Eligibility to Adopt, *supra* note 35.

1. Haitian Law—Eligibility of the Child

To fulfill the requirements necessary to document the child's eligibility, the adoptive parents must obtain the release form (known as the *Extrait des Minutes des Greffes*) from the Justice of the Peace who has jurisdiction over the child's place of residence.⁴⁶ This release form documents that the child's parent or custodian consented to the adoption.⁴⁷ If the child's biological parents are deceased, their death certificate (known as the *Extrait de l'acte de Deces*⁴⁸) must be obtained from the Haitian National Archives as well.⁴⁹

2. Haitian Law—Eligibility of the Parent

Once the adoptive parents obtain the "*Extrait des Minutes du Greffe du Tribunal de Paix*" or the "*Extrait de l'acte de Decès*" (if applicable), they must submit them to the IBESR, which will then investigate the child and adoptive parents to determine whether the adoption is permissible.⁵⁰ It will investigate medical and psychological well-being of the prospective parents and child.⁵¹ It will also determine if the parents meet the Haiti's basic legal requirements for adoptions, including the following:

- o **Residency Requirements:** Prospective adoptive parents are not required to reside in Haiti, although Haitian courts and/or the IBESR may require American prospective adoptive parents to travel to Haiti before the adoption is finalized. Conversely, the U.S. Government does not require adoptive parents to travel to Haiti at any time during the adoption and immigrant visa process.
- o **Age Requirements:** Haiti requires the prospective adoptive parent to be 35 or older. For married couples, one prospective adoptive parent may be under 35, provided the couple has been married for 10 years and has no biological children. The adoptive parents must be at least 19 years older than the child they intend to adopt. These restrictions can be waived by the President of Haiti. (please see note below on "Waiver of Ineligibility").
- o **Marriage Requirements:** If a married couple is adopting, both spouses must consent to the adoption. This restriction can be waived with permission from the President of Haiti. (please see note below on "Waiver of Ineligibility").
- o **Note:** U.S. immigration procedures still require the signature of both spouses on Form I-600.
- o **Other Requirements:** Haitian law permits adoptions by single parents, provided they meet the age requirements.

⁴⁶ INTERNATIONAL ADOPTIONS — HAITI, *supra* note 22, at 3.

⁴⁷ *Id.*

⁴⁸ Country Information: Haiti, *supra* note 23.

⁴⁹ *Id.* at 4.

⁵⁰ *Id.*

⁵¹ *Id.*

- o **Waiver of Ineligibility:** While Presidential waivers of ineligibility are sometimes issued, they are difficult to obtain and require a lengthy processing period. As such, adoptive parents who do not meet the above criteria should consider not adopting in Haiti.⁵²

The IBESR will review the eligibility of both the prospective parents and the child, and, (if the adoption is approved) will provide the prospective parents with a referral to the child and an authorization document.⁵³

D. ADOPT THE CHILD IN HAITI

The adoptive parents (or their legal representative) must provide the IBESR's authorization form to the Civil Court having jurisdiction over the child.⁵⁴ The parents must obtain the official adoption decree from this court and then file their adoption application with the USCIS.⁵⁵

E. APPLYING FOR THE CHILD TO BE FOUND ELIGIBLE FOR ADOPTION

After the adoption in Haiti is finalized, the prospective adoptive parents should file Form I-600 as discussed above.⁵⁶ While I-600A is required for preliminary approval, I-600 is necessary for final approval from the United States Government once the adoption procedures are finalized in Haiti.⁵⁷

F. BRINGING THE ADOPTED CHILD TO THE UNITED STATES

Finally, adoptive parents must obtain a Haitian passport for the child and apply for a U.S. immigrant visa to bring the child to the U.S.⁵⁸

⁵² *Id.*

⁵³ INTERNATIONAL ADOPTIONS — HAITI, *supra* note 22, at 3. This authorization document is known as the “*Autorisation d’Adoption*.” *Id.*

⁵⁴ *Id.*

⁵⁵ The adoption decree is known as the “*Acte d’Adoption*.” *Id.* See also Country Information: Haiti, *supra* note 23.

⁵⁶ See *supra* p. 8 (providing information regarding Forms I-600 and I-600A).

⁵⁷ Country Information: Haiti, *supra* note 23.

⁵⁸ For immigration information, see U.S. Citizenship and Immigration Services, Before Your Child Immigrates to the United States, <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=d72e18a1f8b73210VgnVCM100000082ca60aRCRD&vgnnextchannel=d72e18a1f8b73210VgnVCM100000082ca60aRCRD>. Haiti is a Non-Hague state so children will need to fulfill the requirements for the “**IR-3 visa** (which is “[i]ssued when a full and final adoption is completed abroad [and which] [r]equires that the parent(s) physically see the child prior to or during the adoption proceedings”) or the **IR-4 visa** (which is “[i]ssued to a child [who] is coming to the United States to be adopted, [who] was adopted abroad by only one parent (if married), [and who] was not seen by the parent(s) prior to or during the adoption”). *Id.* (emphasis added). “Once an adoption case has cleared DHS, the process of obtaining an immigrant visa for the United States can take from two days to a week, depending on circumstances.” INTERNATIONAL ADOPTIONS — HAITI, *supra* note 22, at 3. Note that “[a]dopted children who have lived with their adopted parents for more than two years come under a different provision of law.” *Id.* at 5.